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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,233	09/09/2003	Dale Kline	024911-00001	8833

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EXAMINER

MAUST, TIMOTHY LEWIS

ART UNIT	PAPER NUMBER
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3751

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/657,233

Applicant(s)

KLINE, DALE

Examiner

Timothy L. Maust

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-34 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 9, 10 and 19 is/are rejected.
- 7) ☒ Claim(s) 4, 6-8 and 12-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/9/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings filed on 9/9/03 are informal, since the letters, numbers and lines are not uniform in nature throughout the Figures.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10- are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regard to claims 10 and 11, it is indefinite as to how the spring biasing means opens the stopper, since it is used to keep the stopper closed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 9 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Digglemann.

In regard to claims 1 and 19, the Digglemann reference discloses a “liquid delivery adapter” (Figure 5) for use in delivering a liquid from a liquid source (i.e., canteen) to a gas mask 1, the adapter comprising: A “body” (3 and 8) having a “first end” (hose 2 connection) and a “second end” (defined in the area of element 14) having an “inlet opening” (B) formed at the second end and an “outlet opening” formed at the first end; an “interior chamber” (defined at 34) formed within the “body” (3 and 8); an “inlet chamber” (defined at 26) extending from the inlet opening to the “interior chamber”, an “outlet chamber” (defined at 33) extending from the outlet opening to the “interior chamber”, wherein the “inlet opening”, “inlet chamber”, “interior chamber”, “outlet chamber”, and “outlet opening” define a flow path when placed in open communication with each other to permit the liquid to flow through the flow path (see flow arrows in Figure 5); and a “stopper” 6 disposed within the “interior chamber” and extending into the “outlet chamber”, wherein the stopper controls the flow of the liquid through the flow path.

In regard to claim 2, wherein the “inlet chamber” extends along a “first axis” (A) and the “outlet chamber” extends along a “second axis” (shown in Figure 3 as the centerline for hose 2).

In regard to claim 3, wherein an angle defined by the first axis and the second axis is in a range of 5 to 175 degrees (i.e., 90 degrees).

In regard to claim 5, the adapter according to claim 1, further comprising a “plunger” 10 disposed within the inlet chamber a predetermined distance from the inlet opening.

In regard to claim 9, see Figures 3-5.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Digglemann in view of Blenkush.

The Digglemann reference discloses the invention substantially as claimed (discussed supra), but doesn't disclose a spring biased valve as defined. The Blenkush reference discloses another liquid coupling having a spring biased valve (90 and 96) to control the flow of liquid. Therefore, it would have been obvious to one of ordinary skill in the art to replace the valve arrangement on the Digglemann device with a spring biased valve of as, for example, taught by Blenkush wherein so doing would amount to mere substitution of one functional equivalent valve for another within the same art and the selection of any of these valves would work equally well in the Digglemann device.

Allowable Subject Matter


Claims 20-34 are allowed.

Claims 4, 6-8 and 12-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy L. Maust whose telephone number is (571) 272-4891. The examiner can normally be reached on Tue. - Thur. 6:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine R. Yu can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Timothy L Maust
Primary Examiner
Art Unit 3751

Tlm
3/15/06